

Court of Appeals, State of Michigan

ORDER

People of MI v Deshane Dajuan Reed

Docket No. 353632

LC No. 2018-022288-FH

Stephen L. Borrello
Presiding Judge

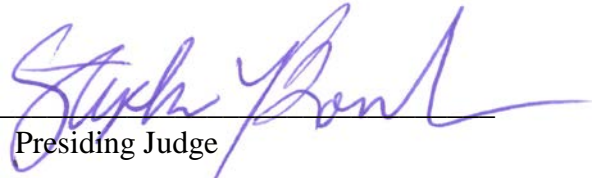
Amy Ronayne Krause

Brock A. Swartzle
Judges

The motion for immediate consideration is GRANTED.

The motion for appeal bond is GRANTED IN PART as follows. The circuit court's April 23, 2020 order denying defendant's emergency motion for appeal bond is VACATED and the case REMANDED to the circuit court for reconsideration. The circuit court abused its discretion by denying defendant's motion for release on bond pending appeal without addressing the public health factors arising from the present state of emergency as recognized by Executive Order 2020-62 (issued April 26, 2020) and Administrative Order No. 2020-1 (issued March 15, 2020) and without addressing the relevant criteria ordinarily applied when deciding whether to allow release on bond pending appeal. *People v David Michael Barber*, __ Mich __; __ NW2d __ (No. 161277, May 13, 2020); *People v Giacalone*, 16 Mich App 352, 354-358; 167 NW2d 871 (1969). On reconsideration the circuit court shall make findings on the record or in writing regarding the need to protect the public health from further spread of the COVID-19 virus and the relevant factors stated in *Giacalone*. When making its findings the circuit court must recognize that incarcerated people are at greater risk of contracting COVID-19 and be mindful that under the current state of emergency the need to protect the public health from further spread of the disease outweighs the need to follow normal operating procedures which would otherwise keep convicted defendants incarcerated.

This order is to have immediate effect. MCR 7.215(F)(2). The Court retains jurisdiction.


Presiding Judge



A true copy entered and certified by Jerome W. Zimmer Jr., Chief Clerk, on

May 29, 2020
Date


Chief Clerk